

SIND ACT NO. X OF 1876.!

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SIND ACT NO. X OF 1876.!

THE SIND REVENUE JURISDICTION ACT, 1876.

[28'h March, 1876]

An Act to limit the jurisdiction of the Civil Courts 2[in Sind] in matters relating to the land-revenue, and for other purposes.

Where in certain parts of °[Sind] the jurisdiction of the Preamble. Civil Courts in matters connected with the land revenue is more extensive than it is in the 4[other parts thereof];

and whereas it is expedient that the jurisdiction of all

the Civil Courts in the said '[territories] should be limited in manner hereinafter appearing;

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1. For statement of Objects and Reasons, see Gazette of India, 1873 Pt. V, p. 534; for Preliminary Report of the Select Committee, see *ibid*, 1874, Pt. V, p. 70 for further Report of the Select Committee, see *ibid*, 1876, Pt. V, p. 210, and for Proceedings in Council, see *ibid*, 1875, Supplement, p. 4. and *ibid*, 1876, Supplement, pp. 344 and 405.

2. The original words "throughout the Bombay Presidency" have successively been amended by A. O., 1949, Sch., Sind Ordinance 5 of 1955, s. 6, Sch., II. Repealing and Amending Ordinance, 1961 (I of 1961), s. 3 and 24 Sch., A.O., 1964, Art. 2 and the Sind Repealing and Amending Act, 1975 (Sind 17 of 1975), s. 3 and 24 Sch.. to read as above.

3. The original words "the Presidency of Bombay" have successively been amended by A.O., 1949, Sch., Sind Ordinance 5 of 1955, s. 6, Sch. II, Pakistan Ordinance 21 of 1960, s. 3, Sch. II, the Repealing and Amending Ordinance, 1961 (I of 1961), s. 3, Sch. II, A.O., 1964, Art. II, Sch. And the Sind Repealing and Amending Act, 1975 (Sind 17 of 1975) s. 3, Sch II. To read as above.

4. The original words "rest of the said Presidency" have successively been amended by A.O., 1949, Sch.. Sind Ordinance 5 of 1955, and Pakistan Ordinance 21 of 1960, s. 3, Sch.. II to read as above.

5. The original word "Presidency" has successively been amended by A. O., 1949, Sch., Sind Ordinance 5 of 1955 and Pakistan Ordinance 21 of 1960, s. 3, Sch. II, to read as above.

6. The Third paragraph repealed by Sind Ordinance 5 of 1955, s. 6, Sch. III.

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It is hereby enacted as follows :---

1. (1) This Act may be called the Sind Revenue Short title and Jurisdiction Act, 1876. extent.

(2) It extends to the whole of 2[* *] Sind, but not so as to affect any of the provisions of Act XXIII of 1871.]

2. [Repeal of enactments.] Rep. by the Amending Act, 1891 (XII of 1891).

3. In this Act, unless there be something repugnant in the — Interpretation subject or context,--- clause.

“land” includes the sites of villages, towns and cities: it also includes trees, growing crops and grass, fruit upon, and juice in trees, rights-of-way, ferries, fisheries and all other benefits to arise out of land, and things attached to the earth or permanently fastened to things attached to the earth :

“land-revenue” means all sums and payments, in money or in kind, received or claimable by or on behalf %[of the Government] from any person on account of any land held by or vested in him, and any cess or rate authorized by 4[by the Provincial Government] under the provisions of any law for the time being in force :

“Revenue-officer” means any officer employed in or about the business of the land-revenue, or of the surveys, assessment, accounts or records connected therewith.

4. Repealed by the West Pakistan Land Revenue

Act, 1967.

5. (Act. (XVII of 1967), Schedule, Part-2.

1. S.1, subs, by the Sind Laws (Adaptation, Revision, Repeal and Declaration) Ordinance, 1955 (Sind 5 of 1955), s. 7, Sch. III.

2. The words “the Province of” omitted by Pakistan Ordinance 21 of 1960, 2" Sch.

3. Subs. by the A. O., 1937, for “of Government” and then amended by P. O. 1 of 1964, Art. 2, w.e.f. 23'¢ March, 1956, to read as above.

4. Subs. ibid, for “by Government”.

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7. Nothing in any law for the time being in force which authorizes the Punishment of punishment departmentally of any Revenue-officer for any prosecution of offence or breach of duty, or which sanctions his prosecution Revenue officers no criminally for such offence or breach, shall be held to bar any bar to civil remedy which may be had in the Civil Court against such officer. remedies.

8. to 10. [Suits against Revenue-officers. Appeals from their proceedings. Power for Local Government to call for records.]

Rep. by the Bombay Revenue Jurisdiction Act, 1880 (XV of 1880).

11. No. Civil Court shall entertain any suit '[against the Government] on Suits not to be account of any act or omission of any act or omission of any entertained unless Revenue-officer unless the plaintiff first proves that, previously to _ plaintiff has bringing his suit, he has presented all such appeals allowed by the exhausted right of law for the time being in force as, within the period of limitation appeal. allowed for bringing such suit, it was possible to present.

12. If, in the trial or investigation of any suit, claim or objection which, Power of but for the passing of this Act, might have been tired or Government to refer investigated by a Civil Court, there arises any question on which 2" question as _ for * * * the 3[Provincial Government] desires to have the decision of decision of High

he 4[High Court], 2* * * the °[Provincial Government] 5* * * Court. may cause a statement of the question to be prepared, and may refer such question for the decision of the §[High Court].

he said 4[High Court] shall fix an early day for the hearing of the question referred, and cause notice of such day to be placed in he court-house.

he parties to the case may appear and be heard in the 4[High Court] in person or by their advocates or pleaders.

he 4[High Court] when it has heard and considered the case, shall send a copy of its decision, with the reasons therefor, under the seal send a copy of its decision, with the reasons therefor, under he seal of the Court, to the Government by which the reference was made, and, subject to any appeal which may be presented 0, 7[Supreme Court] the case shall be disposed of conformably to such decision.

1. Subs. by the A. O., 1937, for "against Government" and finally the word "Government" was subs. for the word "crown" by P.O. No. 1 of 1961.

2. The words "the G. G. in C" rep. by the A.O., 1937.

3. Subs. ibid, for "L. G.".

4. Subs. by Pakistan Ordinance 21 of 1960, for "Chief Court".

5. The words "as the case may be" rep. by the A. O., 1937.

6. Subs by Pakistan Ordinance 21 of 1960, for "Chief Court of Sind".

7. Subs by P.O. No. 1 of 1961, for "Her Majesty in Council" (w.e.f. 234 March, 1956).

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If the '[High Court] considers that any such statement is imperfectly framed, the '[High Court] may return it for amendment.

The costs (if any) consequent on any such reference shall be dealt with as the '[High Court] in each case directs.

13. If any suit instituted, or in any appeal presented, in a Civil Court, the Judge doubts whether he is precluded by this Act from taking cognizance of the suit or appeal, he may refer the matter to the '[High Court].

The '[High Court] may order the Judge making the reference either to proceed with the case or to return the plaint.

The order of the '[High Court] on any such reference shall be subject to appeal to 2[Supreme Court] and, save as aforesaid, shall be final.

4. Every reference under section 12 or section 13 shall be heard by a Bench consisting of such number of Judges, not less than three, as the Chief Justice from time to time directs.

5. [Amendment of section 32 of Act XIV of 1869] Rep. by the Repealing Act, 1938 (I of 1938), s. 2 and Sch.

6. Whenever any suit is brought in any Court of a Subordinate Judge of the first class 4against the Government] or against any Revenue-officer, 5[and the Government undertakes] the defence thereof, it shall be law full ø[for the Provincial Government], by certificate signed by a Secretary thereto, to require that the trial of any such suit shall have precedence over the trial of any other suit or other civil proceeding then pending in the Court of the first class Subordinate Judge, or, if the suit is transferred, in the Court of District Judge, and the Court shall give effect to every such requirement.

Power of Civil
Judge to refer

question of
jurisdiction to
High Court.

Composition of
Bench.

Privileges of
Government in
suits defended
by it.

1. Subs. by Pakistan Ordinance 21 of 1960, for "Chief Court".

2. Subs. by P.O. No. 1 of 1961, "Her Majesty in Council" (w.e.f 23" March, 1956).

3. Subs. by the Sind Revenue Jurisdiction (Amendment) Act, 1929 (Sind of 21 of 1929), s. 2, for the original s. 16.

4. The original word "against Government" were first subs. by the A. O., 1937 and then amended by G. G. O. 4 of 1949, Sch., and A. O., 1961, Art. 2, (w.e.f. 23'ø March, 1956).

5. The original words "against Government undertakes" were first subs. by the A. O., 1937, and then amended by G. G. O. 4 of 1949, Sch., and A. O., 1961, Art. 2, (w.e.f. 23° March, 1956) to read as above.

6. Subs. by the A. O., 1937, for "for the Government".

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The privileges conferred '[on the Provincial Government] by this section, shall mutatis mutandis, apply to any appeal or special appeal against any decree in any such suit as is described in this section.]

17. [Revival of section 13 of Bom. Reg. XVII of 1827. Operation of Bom. Reg. XVII of 1827 in sites of villages and towns. Recovery of certain advances made by Local Government.] Rep. by the Bombay Revenue Jurisdiction Act. 1880 (XV of 1880).

SCHEDULE.---[Enactments repealed.] Rep. by the Amending Act, 1891 (XII of 1891).

THE SECOND SCHEDULE.---Omitted by G. G. O. 4 of 1949, Schedule.